IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2334 OF 2004

Shri Gopal Subran Verma ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.S.S.Dube for Petitioner.

Mr.B.H.Mehta, A.P.P. for Respondent No.1.

Mr.R.C.Kaushik for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 1, 2004.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Mehta, A.P.P. waives notice for Respondent No.1. Mr.Kaushik waives notice for Respondent No.2.

3. As short question is involved, the matter is taken up for final disposal forthwith, by

consent.

4. The Respondent No.2 has instituted Criminal Case against the Petitioner for offence punishable under Section 138 of the Negotiable Instruments Act. During the pendency of this Petition, parties have amicably settled the matter. Pursis duly signed by both the parties is already placed on record. Petitioner as well as Respondent No.2 are personally present in Court. Respondent No.2 states that he is not interested in pursuing the criminal action against the Petitioner. In this backdrop and in the interest of justice, the Petition deserves to be allowed.

5. The criminal case instituted by the Respondent No.2 being CC No.228/S/2003 (old case No.2001/S/2002) filed before the Additional Chief Metropolitan Magistrate, 47 Court, Esplanade, Mumbai, is quashed and set-aside.

6. Rule made absolute on the above terms.

7. Issuance of certified copy is expedited.

A.M.KHANWILKAR, J.